



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEMBERS WEEKLY and L.B. McDONALD

Also Present: DEPUTY CITY MANAGER DOUG SELBY, CHIEF DEPUTY CITY ATTORNEY VAL STEED, ROBERT S. GENZER, DIRECTOR OF PLANNING & DEVELOPMENT, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Pkwy

Court Clerk's Bulletin Board, City Hall

City Hall Plaza, Posting Board

(4:02)

1-1

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-93 – Updates the City’s notification requirements for certain zoning hearings in conformance with State law. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

In its 2001 session, the Nevada Legislature adopted AB 553, which adjusted the notification requirements for various types of zoning hearings. This bill will conform the City’s Zoning Code to the new requirements.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-93

COMMITTEE RECOMMENDATION:

COUNCILWOMAN L.B. McDONALD recommended Bill 2001-93 be forwarded to the Full Council with a “Do Pass” recommendation. **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 1 – Bill No. 2001-93

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that this bill is in response to AB 553 from the last legislative session, which expanded in some cases the minimum notification requirements for zoning related hearings. Staff has gone through the zoning code and updated it accordingly. ROBERT S. GENZER, Director of Planning & Development, added that the minimum notification now being required by statute is what the City has always done. The City has already expanded beyond the minimum and may continue to do so in the future beyond the new requirement.

TOM McGOWAN, Las Vegas resident, sought clarification that all local entities must comply with state law as to notification. MR. GENZER verified that the City absolutely complies and that he would assume other entities also do so. MR. McGOWAN rebutted that such compliance should be handled on a regional level. COUNCILWOMAN McDONALD pointed out that the City not only complies with the minimum standard, but also that projects with regional impact, such as gaming enterprise districts, are being provided with greater notification regardless of which entity is hearing the matter.

MR. McGOWAN stressed that there continues to be room for incremental improvement and only once it is being addressed on a regional basis, which is overseen by a regional agency other than the state, is a working, coherent plan possible.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02 – 4:06)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-94 – Amends the Zoning Code regarding the expansion and redevelopment of certain nonconforming uses. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Several months ago the Council amended the Zoning Code to allow the expansion of certain types of nonconforming uses in appropriate circumstances. This is a follow-up bill to apply those same principles when property is redeveloped. The bill will also allow the continuation of uses that, under some circumstances, have been made nonconforming by the interim establishment of a protected use within a short distance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-94

COMMITTEE RECOMMENDATION:

COUNCILWOMAN L.B. McDONALD recommended Bill 2001-94 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 2 – Bill No. 2001-94

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that this bill comes forward due to a past ordinance adopted regarding expanded and non-conforming uses. There is a similar need for issues within the redevelopment area where non-conforming uses may be acceptable in order to encourage redevelopment and related economic benefits.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:06 – 4:07)

1-122

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-95 – Amends the Zoning Code to provide for the forwarding of certain variance applications to the City Council for final action. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The Zoning Code presently requires (in most cases) that affirmative action be taken to appeal or have a subsequent review of the Planning Commission's action on variance applications. There has been some confusion about how to process a variance application related to another application that must be heard by the City Council. In order to eliminate that confusion, this bill will provide for automatic Council review of variance applications that are related to zone changes, special use permit applications or site development reviews that are to be heard by the Council.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-95

COMMITTEE RECOMMENDATION:

COUNCILWOMAN L.B. McDONALD recommended Bill 2001-95 be forwarded to the Full Council with a “Do Pass” recommendation. **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 3 – Bill No. 2001-95

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this is another housekeeping, clean-up bill. Under the existing code a variance denied by the Planning Commission dies unless appealed. This has caused confusion in those cases where the variance is tied to another application that automatically appears before the Council. Therefore, it was determined that all such tied variances would come directly to Council in order to eliminate that confusion.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:07 – 4:08)

1-164

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-96 – Updates the annexation provisions of the Zoning Code to conform to State law. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

In its 2001 session, the Nevada Legislature adopted AB 179, which was the City's effort to facilitate the annexation of County islands. This bill will update the annexation provisions of the City's Zoning Code accordingly.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-96

COMMITTEE RECOMMENDATION:

COUNCILWOMAN L.B. McDONALD recommended Bill 2001-96 be forwarded to the Full Council with no recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 4 – Bill No. 2001-96

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that this bill simply updates the City Code to comply with changes in the last legislative session. AB 179 made numerous changes which are addressed by this bill.

COUNCILWOMAN McDONALD confirmed with CHIEF DEPUTY CITY ATTORNEY STEED that AB 179 allowed for the City to annex undeveloped County islands. Pursuant to that enabling legislation, she questioned the process for such annexations. ROBERT S. GENZER, Director of Planning & Development, responded that meetings are being held to nail down such a process prior to implementation. A report will be provided as soon as something has been drafted. DEPUTY CITY MANAGER SELBY added that the legislation provides for annexation without consultation, but the City's position is that it would be prudent to meet with property owners to make them aware of the pending annexation.

COUNCILMAN WEEKLY referenced dialogue at the County Commission meeting and questioned City efforts to better communicate its intent to reduce the County's adversarial attitude. DEPUTY CITY MANAGER SELBY pointed out that the City is working on an interlocal agreement with the County that would make this a non-issue by superseding the legislation. That interlocal is still a possibility.

COUNCILWOMAN McDONALD verified that approval of this bill could put the City in a position of annexing property without consultation. She opined that consultation should take place. CHIEF DEPUTY CITY ATTORNEY STEED assured her that nothing within the bill would prohibit the City from notification prior to proceeding with annexation. MR. GENZER added that under the existing annexation process, the City sends notification of intent to all property owners, even those with an executed Petition for Annexation, as had been required for prior sewer hook-up. COUNCILWOMAN McDONALD, CHIEF DEPUTY CITY ATTORNEY STEED and MR. GENZER discussed that the petitions may have been several years before or even executed by a previous owner.

COUNCILWOMAN McDONALD stressed that even with the vacant land there must be consultation. The record must be clear that that will be an expectation for future annexations.

TOM McGOWAN, Las Vegas resident, pointed out that COUNCILWOMAN McDONALD raised many concerns. There are many variables and complexities and suggested greater built-in flexibility. He concurred that property owners should be notified. How will land banking via annexation be prevented? A significant amount of time should be given to the Council when they address this issue.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 4 – Bill No. 2001-96

MINUTES – Continued:

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:08 – 4:17)

1-204

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-97 – Amends the Zoning Code to allow the practice of hypnotherapy as a permitted use in all commercial and industrial districts. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

For zoning purposes, the Zoning Code presently treats the practice of hypnotherapy the same as astrologists, hypnotist and psychics--limiting the use to certain commercial and industrial zones and requiring a special use permit. Recognizing that hypnotherapy is distinct because of its medical applications, this bill will allow the practice of hypnotherapy as a permitted use in all commercial and industrial districts.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-97

COMMITTEE RECOMMENDATION:

COUNCILWOMAN L.B. McDONALD recommended Bill 2001-97 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 5 – Bill No. 2001-97

MINUTES – Continued:

ROBERT S. GENZER, Director of Planning & Development, advised that hypnotherapy is currently lumped in with astrology, hypnotists, psychic arts and science. Hypnotherapy is different from those other uses, as it is medically related. Staff is proposing to remove it from its existing category and create a category specific to this particular use. The use would then be permitted along with any other medical type use in these particular districts. COUNCILWOMAN McDONALD confirmed with MR. GENZER that hypnotherapists are licensed and monitored by a state board as well.

JUANITA CLARK, Charleston Neighborhood Preservation, 137 Lorenzi, reviewed information obtained from a handbook describing hypnotherapy, its medical uses and benefits, precautions, potential negative results, possible side effects and the inadequate licensing or monitoring standards. It does set out that the training of lay hypnotists is prohibited. She expressed concern with maintaining balance in the application of hypnotherapy. The use should continue to require a special use permit.

COUNCILWOMAN McDONALD pointed out that the reason for creating a distinct category is the state's regulation of the field. MR. GENZER concurred. This was not proposed for any specific entity or person. There have been several applications for this practice over the past year and staff identified the issue as one which never received any protests. Given the amount of state control and the lack of protest to date, the process would be simplified for the applicant and staff to put it through as a permitted use. There would be no need for the ordinance if the City maintained the special use permit requirement. COUNCILWOMAN McDONALD added that the licenses are being granted today and only the land use issue was being reviewed at this time.

MS. CLARK rebutted that a request located in with another medically-related business was protested. There may have been other reasons, but the use did not go into that location. COUNCILWOMAN McDONALD advised that this would not eliminate anyone's ability to protest. MS. CLARK indicated that she would need to see that the State of Nevada went beyond what the existing professional hypnotic organizations have done. An effort is being made to set up formal screening and training. Unfortunately standards have not been established on a national basis.

TOM McGOWAN, Las Vegas resident, stressed that there is a clear difference between stage hypnosis and medical hypnosis. Stage hypnotists have been very successful in Las Vegas for entertainment. The reason for clinical hypnosis is quite different and usually takes place over a period of time to deal with serious disorders. Clinical hypnosis must be regulated for the safety of the patient. The difference can be clearly defined and should be more of an issue within the County.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 5 – Bill No. 2001-97

MINUTES – Continued:

JUNE INGRAM, Charleston Neighborhood Preservation, 609 North Torrey Pines, outlined an incident where an entertainer hypnotized a group of friends at a show. One of the subjects was very embarrassed by it. She expressed a concern with people being hypnotized and then not able to be brought out of it. COUNCILWOMAN McDONALD pointed to Line 26 which defines hypnotherapy as a facility where one or more State-licensed mental health professionals operate. That is the difference between a medical use and entertainment.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:17 – 4:31)

1-467

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-98 – Amends the Zoning Code provisions relating to wheel stops in parking areas.
Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The Zoning Code presently requires on-site parking areas to provide wheel stops or curbing to protect pedestrian areas from vehicle encroachment. This bill will eliminate the requirement in cases where the walkway around the perimeter of a building is at least seven feet wide.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-98

COMMITTEE RECOMMENDATION:

COUNCILWOMAN L.B. McDONALD recommended Bill 2001-98 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 6 – Bill No. 2001-98

MINUTES – Continued:

ROBERT S. GENZER, Director of Planning & Development, explained that this is a clean-up bill. Presently wheel stops are required to protect landscaping areas and sidewalks. This would eliminate wheel stops where sidewalks are at least seven feet wide, allowing for a car to hang over two feet into the walk while leaving sufficient walking space. The bill was proposed due to issues raised during the building permit process. Staff did not find this to be detrimental and therefore sponsored the bill.

TODD FARLOW, 240 North 19th Street, clarified with MR. GENZER that wheel stops will be required adjacent to sidewalks five feet but oversized sidewalks of seven feet or more will not require the wheel stops. His particular concern was with used car sale facilities; however, the standard applied to those would not change.

JUNE INGRAM, Charleston Neighborhood Preservation, 609 North Torrey Pines, verified that wheel stops are the same as bumper blocks.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:31 – 4:33)

1-950

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-99 – Allows time-share condominiums in the C-2 Zoning District by means of special use permit. Sponsored by: Councilman Lawrence Weekly

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The Zoning Code currently does not address time-share condominiums. In order to facilitate redevelopment efforts that may include a time-share proposal, this bill will allow the use in the C-2 Zoning District by means of special use permit and will establish minimum conditions deemed necessary to ensure compatibility.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-99

COMMITTEE RECOMMENDATION:

COUNCILWOMAN L.B. McDONALD recommended Bill 2001-99 be forwarded to the Full Council with a “Do Pass” recommendation. **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 7 – Bill No. 2001-99

MINUTES – Continued:

ROBERT S. GENZER, Director of Planning & Development, indicated that the bill was proposed at the request of a downtown hotel who was looking to convert one of their structures to a time-share situation. Staff has built in a major condition that a minimum of 50 units be available for such use in order for conversion to take place. That number limits the types of downtown facilities who could attempt to make a conversion. Other conditions address issues such as prohibiting use of the units as a primary residence, prohibiting accessory unless they have only interior access and limiting outdoor advertising and light for the time-share. Staff recommended approval.

TOM McGOWAN, Las Vegas resident, questioned the property seeking the conversion. Once he determined the conversion was the Lady Luck, he recommended approval. The facility has been well-run and managed for the entire time he has lived in Las Vegas.

RICHARD MORENO, President, Moreno and Associates, Inc., 300 South Fourth Street, #1500, appeared on behalf of the Lady Luck. He explained that the conversion would involve only one tower. His partner, GREG BORGEL, has worked on all the similar projects in Clark County and this would be good business for the City.

MR. GENZER added that any conversions would require a special use permit to be approved by the Planning Commission and City Council at a public hearing.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:33 – 4:37)

1-1021

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-100 – Revises the Town Center Development Standards Manual in various respects. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will update the Town Center Development Standards Manual to include commercial and residential changes recommended in connection with two text amendment applications. Changes include 1) the addition of street classifications and design standards, 2) the standardization of landscaping and amenity zone requirements for each street classification, 3) updated signage requirements and approval procedures, 4) the addition of uses that have been deemed appropriate, and 5) updated open space and other spacing requirements.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-100 and Incorporated Town Center Development Standards Manual

COMMITTEE RECOMMENDATION:

COUNCILWOMAN L.B. McDONALD recommended Bill 2001-100 be forwarded to the Full Council with no recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 8 – Bill No. 2001-100

MINUTES – Continued:

CHRIS KNIGHT, Deputy Director of Planning & Development, outlined the two-year process in making these first amendments to the Town Center Development Standards. At a townhall meeting and Planning Commission meeting in August 1999 issues were raised by the public, private businesses and City departments with proposed amendments to the standards. Eight of those issues were very controversial and staff recruited a cross-section of Northwest interests to help staff develop recommendations. The biggest issue was plugging up loop holes and clarifying language regarding signage in Town Center. Height restrictions next to freeways and overpasses and spacing requirements were also addressed. While obtaining a consensus, staff researched expanding Town Center and incorporating residential uses. A General Plan Amendment came forward along with several applications for residential development before staff realized that there were no residential development standards. Staff worked with the developers on standards for street-cross sections, signage and other residential standards which were then molded into the commercial standards. Staff met with COUNCILMAN MACK'S Citizens Area Transportation Advisory Team to obtain additional input.

There are issues still remaining, but staff feels those may be addressed in another phase. Freeway signage remains a big issue. Staff's position is that Town Center has yet to mature to the level that freeway signs are necessary or should be incorporated. Staff recommended approval of the standards while recognizing that there will be future phases as development continues.

TOM McGOWAN, Las Vegas resident, indicated that Town Center is among the most significant advancements in Nevada, particularly Southern Nevada. This importance is due to the social engineering, socio-economic and political interrelationships, local autonomy and regional scale interface. He strongly recommended the Committee rely on the expertly trained staff when dealing with these complex and daunting planning issues. The decisions today will effect 30 years into the future. Major mistakes in New York destroyed neighborhoods. Town Center returns to the home-town community.

COUNCILWOMAN McDONALD questioned staff regarding defined colors. MR. KNIGHT pointed to Page 82, which restricts colors to light pastels, earth tones and other colors common to Las Vegas or the Southwest region, with accents based in proportion to the nature element. There have been examples where people have used colors such as dark purple. That is contrary to the goal to blend into the environment and the reason staff sought to provide a wide range that would still meet that goal. COUNCILWOMAN McDONALD expressed concern with doing more than making a recommendation. MR. KNIGHT agreed that the language could be modified from "shall be" to "should" and make the language more permissive while still establishing guidelines for greater compatibility.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 8 – Bill No. 2001-100

MINUTES – Continued:

TODD FARLOW, 240 North 19th Street, concurred with MR. McGOWAN'S comment that this will set the standard for the State. He asked staff whether the revisions would address parking around cluster homes or if that would be addressed in the future. MR. KNIGHT responded that the cluster homes are outside Town Center and not part of these standards, but staff will be looking into adequately addressing the parking problem.

MARK DOPPE, President of the Southern Nevada Homebuilders Association (SNHA), strongly opposed the revisions with regard to the residential standards. He concurred that Town Center is social engineering at its best and that is critical to someone who makes his living building oddball housing. He sells many houses that are pink, blue or yellow. Many of the aspects of his development are consistent with the standards and he assured the Committee that he builds projects with tree-lined streets despite the greater cost because there is a market willing to pay the price. However, there is a bigger portion of the market that cannot do so. Therefore, requiring tree-lined streets chops out the bottom level of affordable houses in order to meet aesthetic standards. Those types of guidelines were already set in Summerlin, Green Valley, Seven Hills and Anthem. This is inappropriate in a public document. His organization has no problem with establishing a look for the perimeters and sign standards, but the City has no business coming inside the gate to control development style.

COUNCILMAN WEEKLY discussed with MR. KNIGHT that the development input gathered for the Town Center Standards was from limited developers as well as the Committee of the SNHA. The SNHA Committee had four major oppositions, the biggest of which was opposition to the gated communities issue. Staff still recommends gated communities not be permitted in this area. Town Center, by its very nature, is unique. The things that make it unique are the landscaping, the amenities, the signage and the street design. There are no new uses; it is the design standards that set Town Center apart. Staff is attempting to incorporate that same concept into the residential guidelines. It is not the intent to make every house look the same.

COUNCILWOMAN McDONALD commented that developers are aware of the standards to be met in Summerlin. The difference is Town Center is a designated area, but not a master planned community. This should go forward with no recommendation and allow each Council member the opportunity to make their own comments on the record before voting the item up or down.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 8 – Bill No. 2001-100

MINUTES – Continued:

JENNIFER LAZOVICH, Santoro, Driggs, Walch, Kearney, Johnson, and Thompson, 3773 Howard Hughes Parkway, submitted a letter on behalf of Territory Inc., developers of Centennial Center. She gave a comprehensive summary of the history behind Town Center commercial standards. There have been meetings to address concerns, comments and suggestions. There has been agreement on some issues and not on others. There are eleven remaining issues not addressed by the draft, most notably the signage where the two sides are almost on opposite sides. There is not objection to this matter going forward today, but a record needed to be created as to what is still missing or unresolved.

COUNCILMAN WEEKLY concurred with sending the matter forward in a manner to allow individual Council members to voice their own opinions at the November 7, 2001, Council meeting, especially the Councilman representing the area. He invited those present to attend, speak and/or submit material for that record as well.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:37 – 4:58)

1-1163

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-101 – Makes unenforceable any covenant, condition, restriction or other regulation that prohibits or restricts the display of the American flag. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will make unenforceable any covenant, condition, restriction or other regulation that prohibits or restricts the display of the American flag.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-101

COMMITTEE RECOMMENDATION:

COUNCILWOMAN L.B. McDONALD recommended Bill 2001-101 be forwarded to the Full Council as a First Amendment with a “Do Pass” recommendation. **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 15, 2001

City Attorney

Item 9 – Bill No. 2001-101

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this bill is the result of concerns called into the Mayor. This broadly voids any language within CC&Rs or Rules and Regulations that prohibit or restrict the display of the American flag. Based on comments that have been circulating, amendments may come forward to more narrowly tailor the ordinance.

COUNCILWOMAN McDONALD stated that she was personally glad to see the increase in displays of patriotism. However, she recommended that the language not be so broad residents could legally install a Terrible Herbst flagpole in their front yard. Some type of “not to exceed the height of the house” language might be a good place to start. ROBERT S. GENZER, Director of Planning & Development, responded that the current code allows up to a 40-foot flag pole, but even that might be too much for a residential area.

TODD FARLOW, 240 North 19th Street, stated that he expressed a concern about the used car lot which uses the American flag for promotional purposes. Now those flags are torn, dirty shreds. There should be language in this bill that the flag be in respectable condition when displayed.

TOM McGOWAN, Las Vegas resident, opined that there is room for all developers and Town Center does not limit developers. With regard to the flags, he concurred with COUNCILWOMAN McDONALD regarding oversized American flags. Further, many of the Terrible Herbst flags are dirty and not well maintained. The flag has meaning and is not a commercial sign to be used for advertisement. Residents should absolutely be able to display the symbol of everything that is good about this country, but some size limit needs to be honored.

CHIEF DEPUTY CITY ATTORNEY STEED suggested a separate section could be included regarding the limitations to maintain the residential character of the area. The intent of this bill is strictly residential and the perceived commercial purpose might be addressed by a future proposal.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:58 – 5:06)

1-1947

RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: OCTOBER 15, 2001

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

TOM McGOWAN, Las Vegas resident, cautioned that the elimination or control of Osamu Bin Ladin and the nations that support him will not end terrorism in this county, because terrorism is war against a state of being and a way of thinking. JESSE JACKSON'S comments were correct in that all the people of this country should be building bridges of understanding. He advised that he has submitted proposals that would guarantee safe travel throughout the world and offer solutions to cure homelessness permanently. The world that was common to US citizens ended on 9/11/2001. Therefore, elected officials must plan ahead in order to all the issues that are at hand.

(5:06 – 5:11)

1-2306

MEETING ADJOURNED AT 5:11 P.M.

Respectfully submitted: _____

GABRIELA S. PORTILLO-BRENNER

October 30, 2001